IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1466 OF 2007

Jitendra C. Pardeshi ....Petitioner
V/s.
The State of Maharashtra & Ors. ....Respondents

Mr.R.K. Mendadkar for the Petitioner.

Mr.V.P. Malwankar, AGP for Respondent Nos.1 and 2.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 29TH JUNE, 2007.

P.C. :

1. Rule. Heard forthwith.

2. The issues involved in this Petition are similar to the issues in Writ Petition No.1454 of 2007, decided by us to day by a separate order.

3. Apart from the fact that the report of Vigilance Cell, it is noted that the village form No.14 extract showed the date of birth of the uncle of the candidate as 26.6.1946 and the caste entry as Pardeshi Bhamta. That has not been accepted on the ground that the register showing the entries for the years 1946 and 1948 were not available. In our view,

mere absence of the document by itself cannot be reason for rejecting the documentary evidence unless other reasons were given. Thus the evidence, it appears, has not been dealt with.

4. For the aforesaid reason, the impugned order is set-aside and the matter is remanded back to the Committee for reconsideration and thereafter to pass an appropriate order according to law at any rate not later than four months from today. The Petitioner to appear before the Committee on 10.7.2007 at 11.00 a.m. In case the Petitioner is issued a caste certificate by the Committee, it will be open to the Petitioner to apply to the employer for reinstatement considering the fact that the services were terminated only on the ground of invalidation of the caste certificate. Rule is made absolute accordingly with no order as to costs.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)